IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6093 OF 2005
IN
CRIMINAL APPEAL NO.137 OF 2005

Shailesh M.Nivatkar. ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.S.V.Marwadi for applicant.

Mr.V.B.Konde-Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 21, 2005.

P.C. :

1. Heard counsel for the parties.

2. Indeed, the offence in question is serious offence and applicant has been sentenced to undergo rigorous imprisonment for seven years and pay fine. On the previous occasion, prosecution had relied on eight criminal cases registered against the applicant. However, now it transpired that out of 8 cases, applicant has been acquitted in seven cases. Be that as it may, learned APP points out on instruction that there are three other criminal cases pending against the applicant arising from complaints registered with Goregaon Police Station and Park Site

Police Station in Mumbai. As the appeal has been admitted on 23rd February, 2005 and there is no likelihood of appeal being heard in near future; coupled with the fact that the applicant has already undergone two and half years of sentence period out of seven years awarded by the court below, the applicant deserves to be enlarged on bail during the pendency of the appeal, in connection with the offence being C.R.No.292 of 2003 registered at Juhu Police Station on the following strict condition.

(A) The applicant shall furnish bond in the sum of Rs.25,000/- with two local sureties in like amount.

(B) The applicant, if released on bail shall not enter within District Mumbai, District Thane and New Mumbai during the pendency of the appeal, unless required to attend any criminal proceedings on specific dates.

(C) The applicant shall report to the nearest police station once a week on Sunday between 10 a.m. to 12 noon and also furnish his place of residence and change of

residence if any, from time to time to concern police station as well as the Investigating officer.

(D) The applicant shall surrender his passport, if any. In case, he does not possess any passport shall file affidavit disclosing that fact, which will be condition for bail.

(E) The applicant shall not indulge or cause to threaten prosecution witnesses or their relations in any manner during the pendency of the appeal.

3. Application disposed of in the above terms.